IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1460 OF 2005

Mohammad Mister @ Pappu Mohd.
Iftikar Khan ... Applicant

versus

The State of Maharashtra & anr. ... Respondents

...

Ms.Sangeeta Sachdeo, i/by Mr. Ramesh R. Mishra, for the Applicant.

Mr.R.Y. Mirza, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

11th March 2005

P.C.:

. Heard Counsel for the parties. Perused the record. The Applicant has been arrested in connection with CR.No.161/2004 registered with Nagpada Police Station. The prosecution case is that the Applicant caused murder of one Jabir Khan on the night of 17th and 18th May 2004. The

Applicant has been named as accused on the basis of extra judicial confession reported by Salim Shaikh on 24th June 2004. The Applicant was arrested on 26th June 2004. It is the prosecution case that the Applicant led the investigation to recovery of weapon on 30th June 2004. This is the only material against the Applicant.

. Prima facie, there is substance in the submission canvassed on behalf of the Applicant that the prosecution case as registered was very specific. It refers to threatening calls received by the deceased from one Guddu for last over two months before the incident. The father of the deceased reported that case to the police station on the basis of which the said Guddu was arrested and has been identified by the father of the deceased. However, he has been later on discharged on 7th July 2004 on the report submitted by the investigating officer. If it is so, there is substance in the submission of the Applicant that the Applicant has been framed by recording the statement of Salim Shaikh purported to be extra-judicial confession. There is no

other evidence to corroborate the position except the recovery of weapon which is from open place. As investigation is complete and charge sheet is filed, coupled with the fact that there are no antecedents against the Applicant, in the peculiar facts of the case, although the offence is serious one, the Applicant deserves to be enlarged on bail on following conditions.

(A) The Applicant is directed to be released on bail in connection with CR.No.61/2004 registered with Nagpada Police Station on executing personal bond in the sum of Rs.25,000/-(Rupees Twenty five thousand only) with two local sureties in the like amount.

(B) The Applicant shall remove himself from the jurisdiction of Nagpada Police station during the pendency of the trial. The Applicant shall inform his place of residence to the investigating officer as well as the trial Court within one week from the date of release.

(C) The Applicant shall not leave the place of residence without prior intimation to the investigating officer and the trial Court except for attending the day to day activities.

(D) The Applicant shall not influence the prosecution witnesses nor shall tamper the prosecution evidence in any manner whatsoever.

(E) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any manner responsible for delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)